**TRANSMITTAL LETTER****PATENT**

Application No.: 19906,117
Filing Date: October 30, 2001
First Named Inventor: David D. Faraldo, II
Examiner's Name: Taylor, Nicholas R.
Art Unit: 2141
Attorney Docket No.: 05220.P002X

- ☐ An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- ☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- ☐ Applicant(s) claim small entity status (37 CFR 1.27).

ATTACHMENTS

- ☐ Preliminary Amendment
- ☐ Amendment/Response with respect to Office Action
- ☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- ☐ Notice of Appeal
- ☐ RCE (Request for Continued Examination)
- ☐ Supplemental Declaration
- ☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- ☐ Information Disclosure Statement (IDS)
- ☐ Copies of IDS citations
- ☐ Petition for Extension of Time
- ☒ **Fee Transmittal Document** (that includes a fee calculation based on the type and number of claims)
- ☐ Cross-Reference to Related Application(s)
- ☐ Certified Copy of Priority Document
- ☒ **Other: Appeal Brief (34 pages)**
- ☐ Other:
- ☒ **Check No. 13628 in the amount of \$510.00 (Appeal Brief filing fee)**
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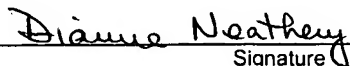
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TOTAL AMOUNT OF PAYMENT (\$) 510.00

Complete if Known:

Application No. 10/016,117
Filing Date October 30, 2001
First Named Inventor David D. Faraldo, II
Examiner Name Taylor, Nicholas R.
Art Unit 2141
Attorney Docket No. 05220.P002X

Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify)

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Large Entity		Small Entity		Fee Description		Fees Paid (\$)
Fee Code	Fee (\$)	Fee Code	Fee (\$)			
1011	310	2011	155	Utility application filing fee	} 1,030/515	_____
1111	510	2111	255	Utility search fee		_____
1311	210	2311	105	Utility examination fee		_____
1012	210	2012	105	Design application filing fee	} 440/220	_____
1112	100	2112	50	Design search fee		_____
1312	130	2312	65	Design examination fee		_____
1013	210	2013	105	Plant filing fee	} 680/340	_____
1113	310	2113	155	Plant search fee		_____
1313	160	2313	80	Plant examination fee		_____
1004	810	2004	405	Reissue filing fee	} 1,940/970	_____
1114	510	2114	255	Reissue search fee		_____
1314	620	2314	310	Reissue examination fee		_____
1005	210	2005	105	Provisional application filing fee		_____
SUBTOTAL (1) \$0.00						_____

2. EXCESS CLAIM FEES**Fee Description****Large Entity Small Entity****Fee Fee Fee Fee****Code (\$) Code (\$) Fee Description**

1202 50 2202 25

1201 210 2201 105

1203 370 2203 185

1204 210 2204 105

1205 50 2205 25

Fee Description

Each claim over 20

Each independent claim over 3

Multiple dependent claims, if not paid

Reissue: each claim over 20 and more than in the original patent

Reissue: each independent claim more than in the original patent

	<u>Extra Claims</u>	<u>Fee</u>	<u>Fees Paid (\$)</u>
Total Claims _____ - 20 or HP = _____	X	\$ 50.00	= _____
HP = highest number of total claims paid for, if greater than 20			
Independent Claims _____ - 3 or HP = _____	X	\$210.00	= _____
HP = highest number of independent claims paid for, if greater than 3			
Multiple Dependent Claims _____			= _____
		SUBTOTAL (2)	\$ _____

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 C.F.R. 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
_____ - 100 = _____	/ 50 = _____	(round up to whole number)	X \$260.00	_____

Large Entity Small Entity**Fee Fee Fee Fee****Code (\$) Code (\$) Fee Description:**

1081 260 2081 130

1082 260 2082 130

1083 260 2083 130

1084 260 2084 130

Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):

Utility

Design

Plant

Reissue

SUBTOTAL (3) \$ 0.00

FEE CALCULATION (continued)**4. OTHER FEE(S)**

				Fees Paid (\$)	
Non-English Specification, \$130 fee (no small entity discount)					
<u>Large Entity</u>		<u>Small Entity</u>			
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1813	8,800	1813	8,800	Request for inter parties reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	460	2252	230	Extension for reply within second month	
1253	1,050	2253	525	Extension for reply within third month	
1254	1,640	2254	820	Extension for reply within fourth month	
1255	2,230	2255	1,115	Extension for reply within fifth month	
1401	510	2401	255	Notice of Appeal	
1402	510	2402	255	Filing a brief in support of an appeal	510.00
1403	1,030	2403	515	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	510	2452	255	Petition to revive – unavoidable	
1453	1,540	2453	770	Petition to revive - unintentional	
1501	1,440	2501	720	Utility issue fee (or reissue)	
1502	820	2502	410	Design issue fee	
1503	1,130	2503	565	Plant issue fee	
1462	400	1462	400	Petitions to the Commissioner (CFR 1.17(f) Group I)	
1463	200	1463	200	Petitions to the Commissioner (CFR 1.17(g) Group II)	
1464	130	1464	130	Petitions to the Commissioner (CFR 1.17(h) Group III)	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	810	2809	405	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814	130	2814	65	Statutory Disclaimer	
1810	810	2810	405	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801	810	2801	405	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
1504	300	1504	300	Publication fee for early, voluntary, or normal pub.	
1505	300	1505	300	Publication fee for republication	
1803	130	1803	130	Request for voluntary publication or republication	
1808	130	1808	130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454	1,410	1454	1,410	Acceptance of unintentionally delayed claim for priority	
Other fee (specify) _____					
Other fee (specify) _____					
				SUBTOTAL (4)	\$ 510.00

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SUBMITTED BY:

Typed or Printed Name: Daniel E. Ovanezian

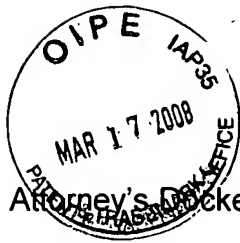
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Attorney's Docket No: 05220.P002X

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:

David D. Faraldo II

Application No.: 10/016,117

Filed: October 30, 2001

For: METHOD OF AND APPARATUS FOR
NOTIFICATION OF STATE CHANGES
IN A MONITORED SYSTEM

Examiner: Taylor, Nicholas R.

Art Unit: 2141

Confirmation Number: 7950

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Dianne Neathery 3/14/08
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APPEAL BRIEF

Pursuant to 37 C.F.R. § 1.192, Appellants submit the following Appeal Brief for consideration by the Board of Patent Appeals and Interferences (hereinafter "Board"). Appellants also submit herewith a check in the amount of \$510.00 to cover the cost of filing this opening brief, as set forth in 37 C.F.R. § 1.17(c). Please charge any additional amounts due or credit any overpayment to Deposit Account No. 02-2666.

03/18/2008 FMETEKI1 00000019 10016117

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I. REAL PARTY IN INTEREST

The real party in interest is the assignee of the full interest of the invention, Red Hat, Inc., of 1801 Varsity Drive, Raleigh, NC, 27606.

II. RELATED APPEALS AND INTERFERENCES

To the best of Appellants' knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.

III. STATUS OF CLAIMS

Claims 1, 2, 7-10, 15-18, 23-26, 29 and 41-44 are currently pending in the above-referenced application. Claims 1, 2, 7-10, 15-18, 23-26, 29 and 41-44 were rejected in the Final Office Action mailed on October 16, 2007, and are presented for appeal. Claims 3-6, 11-14, 19-22, 27-28 and 30-40 are canceled. A copy of claims 1-44 as they stand on appeal are set forth in Appendix A.

IV. STATUS OF AMENDMENTS

No amendments were filed subsequent to the final rejection.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Embodiments of the instant application relate to network administration. Administrating a network may include operations such as monitoring and notification of a status of a business site's infrastructures. The notification may include standard notification rules and advanced notification rules that can suspend, redirect or

automatically acknowledge standard notifications, or transmit supplemental notifications. (See Abstract).

In an exemplary implementation of independent claim 1, a method includes enabling a standard notification rule to generate a first notification upon an occurrence of a predetermined event to a first person in a hierarchy. (Specification, page 7, paragraph [0025]; page 16, paragraph [0054]; Figure 7, block 730). The method further includes enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated. (Specification, page 19, paragraph [0063] – page 23, paragraph [0075]; Figure 8, blocks 810-840).

In claim 2, the method generates a second notification to a second person in the hierarchy based on the advanced notification rule. (Specification, page 19, paragraph [0063] – page 23, paragraph [0075]; Figure 8, blocks 810-840). In claim 8, the advanced notification rule is configured to preempt the standard notification rule for a temporary amount of time. (Specification, page 19, paragraph [0063] – page 23, paragraph [0075]; Figure 8, blocks 810-840). In claim 41, the advanced notification rule is enabled to preempt the standard notification rule while continuing monitoring for the predetermined event. (Specification, page 19, paragraph [0063] – page 23, paragraph [0075]; Figure 8, blocks 810-840).

In an exemplary implementation of independent claim 9, a machine readable medium has stored thereon instructions, which when executed by a processor, cause the processor to perform the actions described below. (Specification, page 6, paragraph [0024]). A standard notification rule is enabled to generate a first notification

upon an occurrence of a predetermined event to a first person in a hierarchy. (Specification, page 7, paragraph [0025]; page 16, paragraph [0054]; Figure 7, block 730). An advanced notification rule is enabled to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated. (Specification, page 19, paragraph [0063] – page 23, paragraph [0075]; Figure 8, blocks 810-840).

In claim 10, the instructions cause the processor to generate a second notification to a second person in the hierarchy based on the advanced notification rule. (Specification, page 19, paragraph [0063] – page 23, paragraph [0075]; Figure 8, blocks 810-840). In claim 16, the advanced notification rule is configured to preempt the standard notification rule for a temporary amount of time. (Specification, page 19, paragraph [0063] – page 23, paragraph [0075]; Figure 8, blocks 810-840). In claim 42, the advanced notification rule is enabled to preempt the standard notification rule while continuing monitoring for the predetermined event. (Specification, page 19, paragraph [0063] – page 23, paragraph [0075]; Figure 8, blocks 810-840).

In an exemplary implementation of independent claim 17, an apparatus includes a means for enabling a standard notification rule to generate a first notification upon an occurrence of a predetermined event to a first person in a hierarchy. (Specification, page 7, paragraph [0025]; page 16, paragraphs [0053] - [0054]; Figure 7, block 730; Figure 5, block 580). The means for enabling the standard notification rule to generate the first notification may include a server (e.g., notification server 570) and/or a gateway (e.g., notification gateway 580). (Specification, page 16, paragraph [0053], page 17; paragraph [0055]; Figure 5). The standard notification rule can be sent to the first

person in the hierarchy using a communication channel that sends communications to, for example, a pager, telephone, voicemail system, email system, etc. (Specification, page 16, paragraph [0054]). The apparatus further includes a means for enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated. (Specification, page 16, paragraphs [0053] - [0054]; page 19, paragraph [0063] – page 23, paragraph [0075]; Figure 8, blocks 810-840). The means for enabling the advanced notification rule to preempt the standard notification rule may include a server (e.g., notification server 570) and/or a gateway (e.g., notification gateway 580). (Specification, page 16, paragraph [0053], page 17; paragraph [0055]; Figure 5).

In claim 18, the apparatus includes a means for generating a second notification to a second person in the hierarchy based on the advanced notification rule. (Specification, page 19, paragraph [0063] – page 23, paragraph [0075]; Figure 8, blocks 810-840). The means for generating the second notification may include a server (e.g., notification server 570) and/or a gateway (e.g., notification gateway 580). (Specification, page 16, paragraph [0053], page 17; paragraph [0055]; Figure 5). In claim 24, the advanced notification rule is configured to preempt the standard notification rule for a temporary amount of time. (Specification, page 19, paragraph [0063] – page 23, paragraph [0075]; Figure 8, blocks 810-840). In claim 43, the advanced notification rule is enabled to preempt the standard notification rule while continuing monitoring for the predetermined event. (Specification, page 19, paragraph [0063] – page 23, paragraph [0075]; Figure 8, blocks 810-840).

In an exemplary implementation of independent claim 25, a digital processing system includes a processor configured to enable a standard notification rule to generate a first notification upon an occurrence of a predetermined event to a first person in a hierarchy. (Specification, page 7, paragraph [0025]; page 9, paragraph [0034]; page 16, paragraph [0054]; Figure 7, block 730; Figure 3, block 302). The processor is further configured to enable an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated. (Specification, page 9, paragraph [0034]; page 19, paragraph [0063]; page 20, paragraph [0066]; Figure 8, block 810; Figure 3, block 302). The digital processing system includes a communications device coupled to the processor to transmit the notifications. (Figure 3, blocks 325-326; page 10, paragraph [0037]; page 11, paragraph [0039]; page 16, paragraph [0054]).

In claim 26, the communications device is configured to transmit the second notification to a second person in the hierarchy based on the advanced notification rule. (Specification, page 19, paragraph [0063] – page 23, paragraph [0075]; Figure 8, blocks 810-840). In claim 44, the processor is configured to enable the advanced notification rule to preempt the standard notification rule while continuing monitoring for the predetermined event. (Specification, page 19, paragraph [0063] – page 23, paragraph [0075]; Figure 8, blocks 810-840).

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The issues involved in this Appeal are as follows:

A. Whether claims 1, 7-9, 15-17, 23-25, 29 and 41-44 are anticipated by U.S.

Patent No. 5,987,514 to Rangarajan ("Rangarajan").

B. Whether claims 2, 10, 18 and 26 are unpatentable over the combination of

U.S. Patent No. 5,987,514 to Rangarajan ("Rangarajan") and U.S. Patent No. 5,987,514 to Graf ("Graf").

VII. ARGUMENT

A. Claims 1, 7-9, 15-17, 23-25, 29 and 41-44 are not anticipated by U.S. Patent No. 5,987,514 to Rangarajan ("Rangarajan") because Rangarajan fails to disclose each of the elements of these claims.

1. Claims 1 and 9 and associated dependent claims 2, 7, 8, 10, 15, 16, 41 and 42 are not anticipated by Rangarajan because Rangarajan fails to disclose enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated.

Appellants respectfully submit that Rangarajan does not disclose an advanced notification rule that preempts a standard notification rule. Rangarajan discloses a network manager that generates event requests and sends them to mid-level managers. The mid-level managers generate event reports and send them back to the network manager. Upon receiving the event reports, the network manager performs a signaling action (e.g., sounds an alarm). (Rangarajan, col. 5, lines 39-56). The examiner has interpreted the "signaling action" of Rangarajan as a notification. (Office Action, 10/16/2007, page 2). As the examiner has pointed out, the "signaling action" may include sounding an alarm, sending an e-mail, or providing visual displays. (Rangarajan, col. 1, lines 36-40). However, Rangarajan does not disclose any rules that determine under what circumstances particular signaling actions should be performed. Therefore, Rangarajan **fails to explicitly disclose any notification rules**. In contrast to Rangarajan, claims 1 and 9 include a **standard notification rule** to generate a first notification upon an occurrence of a predetermined event **and an**

advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence of the predetermined event. Even, for the sake of argument, if Rangarajan were to be read in an overly broad sense as inherently including a standard notification rule, such a reading would not include an advanced notification rule capable of preempting the standard notification rule. Accordingly, Rangarajan fails to disclose all of the features of independent claims 1 and 9.

In the office action of October 16, 2007, the Examiner cited col. 5, lines 56-63 and col. 9, lines 19-58 as disclosing, "enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated." (Office Action, 10/17/2007, page 4). Although the Office Action has provided column and line number citations to Rangarajan, there is no analysis of how or why the claims are asserted to be anticipated by the disclosure of Rangarajan. Moreover, such is not self-evident by the disclosure of Rangarajan, in particular because Rangarajan does not describe standard notification rules, advanced notification rules or preemption.

The first passage cited by the examiner as disclosing, "enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated," states:

Furthermore, the network manager 48 can also respond to the event as follows:

(1) it can stop the mid-level manager 40-45 from polling the attribute of the device by issuing a "stop" event request to the appropriate mid-level

manager. This action, in turn, stops additional events from being generated. As a result, network management traffic is reduced.

(Rangarajan, col. 5, lines 56-63).

Although it is unclear what language of the cited passage of Rangarajan the Examiner is purporting to disclose an advanced notification rule, it appears that the Examiner may be attempting to interpret Rangarajan's disclosure of a "stop" event request as the advanced notification rule. It is respectfully submitted that such an interpretation is inapposite.

A "stop" event request as described by Rangarajan is not the same as an advanced notification rule claimed in claims 1 and 9. Rangarajan defines an event request as a request that directs a mid-level manager to poll a device during a prescribed interval to ascertain an attribute of the device against one or more conditions, and a "stop" event request, in particular, as an event request that commands the mid-level manager to stop polling (and therefore to stop generating event reports) for the attribute. (Rangarajan, col. 3, lines 32-34; col. 8, lines 43-47). Stop event requests are issued by the network manager to a mid-level manager in response to receiving an event report. Signaling actions are also generated by the network manager in response to receiving the event report. (Rangarajan, col. 5, line 53-63). If, as the Examiner seems to suggest, the "stop" event request were to preempt a notification rule to suspend the signaling action from occurring, then no signaling event would ever occur for the event (given that the stop event request ceases generation of event reports, and signaling actions occur upon receipt of event reports). (See Rangarajan, col. 9, lines 51-53). Therefore, no system administrators would ever be notified of the condition that caused the original

event report. This would result in an effectively non-functional system. Therefore, the “stop” event request of Rangarajan can not preempt any rules that might cause the signaling actions, and can not be a notification rule, advanced or otherwise. In contrast, claims 1 and 9 recite, “enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated.”

The second passage cited by the examiner as disclosing, “enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated,” is reproduced below:

The council procedure 70 includes an object-oriented graphical user interface (GUI) for modifying the event request and attributes records in the runtime database 62. The GUI can be derived from open windows 3.1 or later or any other library of classes for GUIs. To modify a record, the console procedure 70 displays the fields for an event request (the fields of an event request record and one or more attributes records can be combined into a single display) and allows the network administrator to fill in or change the fields. The modified records are saved, and the console procedure 70 is restarted.

Reference is now made to FIG. 6, which shows the steps performed by a network administrator while using the console procedure 70. First, the event dispatcher 68 is run in the background (step 200) and then the console procedure 70 is executed (step 202). Upon execution, the console procedure 70 registers with the event dispatcher 68, informing the event dispatcher 68 to forward event reports 78 to it.

If any of the records in the runtime database 62 need to be modified (step 204), the network administrator modifies and saves the records in the runtime database 62 (step 206). The console procedure 70 begins firing event requests 82 at their scheduled start times.

If an event is generated (step 208), the network administrator can view the corresponding event reports 78 via the console procedure 70 (step 210). The event report 78 indicates the attribute and conditions for which the event was generated, the course of action taken by the network manager 48, and the results (if any) from actions taken.

If the event report 78 indicates that the device was down because CPU usage was too high, or because a router on the path was not operational, the network administrator can take the appropriate actions (step 212). If polling of the device attribute has been stopped, no remedial further event reports 78 will be generated for the device.

Thus disclosed is an invention that reduces network management traffic and performs troubleshooting automatically and conveniently from a remote location. The invention greatly reduces the burden of managing a network.

(Rangarajan, col. 5, lines 56-63).

Although it is unclear what language of the cited passage of Rangarajan the Examiner is purporting to disclose an advanced notification rule and a first notification, it appears that the Examiner may be attempting to interpret Rangarajan's disclosure of an event request as an advanced notification rule and Rangarajan's disclosure of an event report as the first notification. It is respectfully submitted that such an interpretation is inapposite.

An event request as described by Rangarajan is not the same as an advanced notification rule. Nor is an event report as described by Rangarajan the same as a notification. Rangarajan defines an event request as a message sent from a network manager to a mid-level manager that directs the mid-level manager to poll a device during a prescribed interval to ascertain an attribute of the device against one or more conditions, and an event report as a message forwarded to the network manager by the mid-level manager when the one or more conditions occur. (Rangarajan, col. 3, lines 32-37). The event request does not include any rules that identify when or how to notify a system administrator or other user when a condition occurs. Nor does the event report include any notification to a system administrator or other user that the condition

has occurred. Such a notification is instead accomplished by a signaling action performed by the network manager, the signaling action being distinct from the event request and the event report. (Rangarajan, col. 5, lines 53-56). However, Rangarajan fails to disclose any rules that control when or how to perform a signaling action. In contrast, claims 1 and 9 recite, “enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated.”

Rangarajan fails to disclose all of the features of claims 1 and 9. Accordingly, independent claim 1 and dependent claims 2, 7, 8 and 41, and independent claim 9 and dependent claims 10, 15, 16 and 42 are not anticipated by Rangarajan.

2. Claim 17 and associated dependent claims 18, 23, 24 and 43 are not anticipated by Rangarajan because Rangarajan fails to disclose means for enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated.

Appellants respectfully submit that Rangarajan does not disclose means for enabling an advanced notification rule to preempt a standard notification rule. Rangarajan discloses a network manager that generates event requests and sends them to mid-level managers. The mid-level managers generate event reports and send them back to the network manager. Upon receiving the event reports, the network manager performs a signaling action (e.g., sounds an alarm). (Rangarajan, col. 5, lines 39-56). The examiner has interpreted the “signaling action” of Rangarajan as a

notification. (Office Action, 10/16/2007, page 2). As the examiner has pointed out, the “signaling action” may include sounding an alarm, sending an e-mail, or providing visual displays. (Rangarajan, col. 1, lines 36-40). However, Rangarajan does not disclose any rules that determine under what circumstances particular signaling actions should be performed. Therefore, Rangarajan **fails to explicitly disclose any notification rules**. In contrast to Rangarajan, claim 17 includes means for enabling a **standard notification rule** to generate a first notification upon an occurrence of a predetermined event and means for enabling **an advanced notification rule** to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence of the predetermined event. Even, for the sake of argument, if Rangarajan were to be read in an overly broad sense as inherently including a means for enabling a standard notification rule, such a reading would not include a means for enabling an advanced notification rule to preempt the standard notification rule. Accordingly, Rangarajan fails to disclose all of the features of independent claim 17.

In the office action of October 16, 2007, the Examiner cited col. 5, lines 56-63 and col. 9, lines 19-58 as disclosing, “means for enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated.” (Office Action, 10/17/2007, page 4). Although the Office Action has provided column and line number citations to Rangarajan, there is no analysis of how or why the claims are asserted to be anticipated by the disclosure of Rangarajan. Moreover, such is not self-evident by the disclosure of Rangarajan, in particular because Rangarajan does not describe standard notification rules, advanced notification rules or preemption.

The first passage cited by the examiner as disclosing, “means for enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated,” is recited on pages 11-12 of this appeal. Although it is unclear what language of the cited passage of Rangarajan the Examiner is purporting to disclose an advanced notification rule, it appears that the Examiner may be attempting to interpret Rangarajan’s disclosure of a “stop” event request as the advanced notification rule. It is respectfully submitted that such an interpretation is inapposite.

A “stop” event request as described by Rangarajan is not the same as an advanced notification rule claimed in claim 17. Rangarajan defines an event request as a request that directs a mid-level manager to poll a device during a prescribed interval to ascertain an attribute of the device against one or more conditions, and a “stop” event request, in particular, as an event request that commands the mid-level manager to stop polling (and therefore to stop generating event reports) for the attribute. (Rangarajan, col. 3, lines 32-34; col. 8, lines 43-47). Stop event requests are issued by the network manager to a mid-level manager in response to receiving an event report. Signaling actions are also generated by the network manager in response to receiving the event report. (Rangarajan, col. 5, line 53-63). If, as the Examiner seems to suggest, the “stop” event request were to preempt a notification rule to suspend the signaling action from occurring, then no signaling event would ever occur for the event (given that the stop event request ceases generation of event reports, and signaling actions occur upon receipt of event reports). (See Rangarajan, col. 9, lines 51-53). Therefore, no system administrators would ever be notified of the condition that caused the original

event report. This would result in an effectively non-functional system. Therefore, the “stop” event request of Rangarajan can not preempt any rules that might cause the signaling actions, and can not be a notification rule, advanced or otherwise. In contrast, claim 17 recites, “means for enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated.”

The second passage cited by the examiner as disclosing, “enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated,” is reproduced on pages 13-14 of this appeal. Although it is unclear what language of the cited passage of Rangarajan the Examiner is purporting to disclose an advanced notification rule and a first notification, it appears that the Examiner may be attempting to interpret Rangarajan's disclosure of an event request as an advanced notification rule and Rangarajan's disclosure of an event report as the first notification. It is respectfully submitted that such an interpretation is inapposite.

An event request as described by Rangarajan is not the same as an advanced notification rule. Nor is an event report as described by Rangarajan the same as a notification. Rangarajan defines an event request as a message sent from a network manager to a mid-level manager that directs the mid-level manager to poll a device during a prescribed interval to ascertain an attribute of the device against one or more conditions, and an event report as a message forwarded to the network manager by the mid-level manager when the one or more conditions occur. (Rangarajan, col. 3, lines 32-37). The event request does not include any rules that identify when or how to notify

a system administrator or other user when a condition occurs. Nor does the event report include any notification to a system administrator or other user that the condition has occurred. Such a notification is instead accomplished by a signaling action performed by the network manager, the signaling action being distinct from the event request and the event report. (Rangarajan, col. 5, lines 53-56). However, Rangarajan fails to disclose any rules that control when or how to perform a signaling action. In contrast, claim 17 recites, “means for enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated.”

Rangarajan fails to disclose all of the features of claim 17. Accordingly, independent claim 17 and dependent claims 18, 23, 24 and 43 are not anticipated by Rangarajan.

3. Claim 25 and associated dependent claims 26, 29 and 44 are not anticipated by Rangarajan because Rangarajan fails to disclose a processor configured to enable an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated.

Appellants respectfully submit that Rangarajan does not disclose a processor configured to enable an advanced notification rule to preempt a standard notification rule. Rangarajan discloses a network manager that generates event requests and sends them to mid-level managers. The mid-level managers generate event reports and send them back to the network manager. Upon receiving the event reports, the

network manager performs a signaling action (e.g., sounds an alarm). (Rangarajan, col. 5, lines 39-56). The examiner has interpreted the “signaling action” of Rangarajan as a notification. (Office Action, 10/16/2007, page 2). As the examiner has pointed out, the “signaling action” may include sounding an alarm, sending an e-mail, or providing visual displays. (Rangarajan, col. 1, lines 36-40). However, Rangarajan does not disclose any rules that determine under what circumstances particular signaling actions should be performed. Therefore, Rangarajan **fails to explicitly disclose any notification rules**. In contrast to Rangarajan, claim 25 includes a processor configured to enable a **standard notification rule** to generate a first notification upon an occurrence of a predetermined event and to enable **an advanced notification rule** to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence of the predetermined event. Even, for the sake of argument, if Rangarajan were to be read in an overly broad sense as inherently including a standard notification rule, such a reading would not include an advanced notification rule capable of preempting the standard notification rule. Accordingly, Rangarajan fails to disclose all of the features of independent claim 25.

In the office action of October 16, 2007, the Examiner cited col. 5, lines 56-63 and col. 9, lines 19-58 as disclosing, “enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated.” (Office Action, 10/17/2007, page 4). Although the Office Action has provided column and line number citations to Rangarajan, there is no analysis of how or why the claims are asserted to be anticipated by the disclosure of Rangarajan. Moreover, such is not self-evident by the

disclosure of Rangarajan, in particular because Rangarajan does not describe standard notification rules, advanced notification rules or preemption.

The first passage cited by the examiner as disclosing, “enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated,” is recited on pages 11-12 of this appeal. Although it is unclear what language of the cited passage of Rangarajan the Examiner is purporting to disclose an advanced notification rule, it appears that the Examiner may be attempting to interpret Rangarajan’s disclosure of a “stop” event request as the advanced notification rule. It is respectfully submitted that such an interpretation is inapposite.

A “stop” event request as described by Rangarajan is not the same as an advanced notification rule claimed in claim 25. Rangarajan defines an event request as a request that directs a mid-level manager to poll a device during a prescribed interval to ascertain an attribute of the device against one or more conditions, and a “stop” event request, in particular, as an event request that commands the mid-level manager to stop polling (and therefore to stop generating event reports) for the attribute. (Rangarajan, col. 3, lines 32-34; col. 8, lines 43-47). Stop event requests are issued by the network manager to a mid-level manager in response to receiving an event report. Signaling actions are also generated by the network manager in response to receiving the event report. (Rangarajan, col. 5, line 53-63). If, as the Examiner seems to suggest, the “stop” event request were to preempt a notification rule to suspend the signaling action from occurring, then no signaling event would ever occur for the event (given that the stop event request ceases generation of event reports, and signaling actions occur

upon receipt of event reports). (See Rangarajan, col. 9, lines 51-53). Therefore, no system administrators would ever be notified of the condition that caused the original event report. This would result in an effectively non-functional system. Therefore, the “stop” event request of Rangarajan can not preempt any rules that might cause the signaling actions, and can not be a notification rule, advanced or otherwise. In contrast, claim 25 recites, “a processor configured to enable an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated.”

The second passage cited by the examiner as disclosing, “enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated,” is reproduced on pages 13-14 of this appeal. Although it is unclear what language of the cited passage of Rangarajan the Examiner is purporting to disclose an advanced notification rule and a first notification, it appears that the Examiner may be attempting to interpret Rangarajan’s disclosure of an event request as an advanced notification rule and Rangarajan’s disclosure of an event report as the first notification. It is respectfully submitted that such an interpretation is inapposite.

An event request as described by Rangarajan is not the same as an advanced notification rule. Nor is an event report as described by Rangarajan the same as a notification. Rangarajan defines an event request as a message sent from a network manager to a mid-level manager that directs the mid-level manager to poll a device during a prescribed interval to ascertain an attribute of the device against one or more conditions, and an event report as a message forwarded to the network manager by the

mid-level manager when the one or more conditions occur. (Rangarajan, col. 3, lines 32-37). The event request does not include any rules that identify when or how to notify a system administrator or other user when a condition occurs. Nor does the event report include any notification to a system administrator or other user that the condition has occurred. Such a notification is instead accomplished by a signaling action performed by the network manager, the signaling action being distinct from the event request and the event report. (Rangarajan, col. 5, lines 53-56). However, Rangarajan fails to disclose any rules that control when or how to perform a signaling action. In contrast, claim 25 recites, "a processor configured to enable an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated."

Rangarajan fails to disclose all of the features of claim 25. Accordingly, independent claim 25 and dependent claims 26, 29 and 44 are not anticipated by Rangarajan.

4. Claims 8, 16 and 24 are not anticipated by Rangarajan because Rangarajan fails to disclose an advanced notification rule configured to preempt a standard notification rule for a temporary amount of time.

As discussed above with reference to claims 1 and 9, Rangarajan fails to disclose enabling an advanced notification rule to preempt a standard notification rule. Moreover, Rangarajan also fails to disclose any conditions that apply to standard notification rules or to advanced notification rules. Therefore, Rangarajan does not

disclose an advanced notification rule configured to preempt a standard notification rule for a temporary amount of time, as recited in claims 8, 16 and 24.

The Examiner cites col. 7, lines 1-38 as disclosing an advanced notification rule configured to preempt a standard notification rule for a temporary amount of time. The cited passage describes a start time and stop time for checking an attribute of a device identified in an event request. (Rangarajan, col. 7, lines 28-30). However, as established above, the event request is not an advanced notification rule. Nor does Rangarajan describe the event request as preempting another event request, much less as preempting another event request for a temporary amount of time. Accordingly, claims 8, 16, and 24 are not anticipated by Rangarajan.

B. Claims 2, 10, 18 and 26 are not rendered obvious by the combination of Rangarajan and Graf because neither Rangarajan nor Graf teach all of the features of these claims.

1. Claims 2 and 10 are not rendered obvious by the combination Rangarajan and Graf because neither Rangarajan nor Graf teach all of the features of these claims.

As discussed above with reference to claim 1 and 9, Rangarajan fails to disclose enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated.

Graf teaches a network monitoring system that generates an alert when predetermined conditions are met. (Graf, col. 19, line 38 to col. 22, line 16). The alert can include a notify property that identifies a notification action to take when the alert is generated. (Graf, Table 13, ALERT: NOTIFY; table 14, setNotify and doNotify). The alert can time out (Graf, col. 20, lines 1-4), it can be cleared (Graf, col. 20, lines 39-49) or it can be ignored (Graf, col. 20, line 50 to col. 21, line 8). However, Graf does not teach that the alert can be preempted. Moreover, the acts of timing out, clearing and ignoring the alert are all performed in response to input received by a system administrator or automatically based on parameters of the alert itself. None of these actions are achieved based on the contents of a different alert (e.g., of an advanced alert). Nor does Graf teach enabling an advanced alert to preempt a standard alert by suspending a notification of the standard alert from being generated upon the occurrence of a condition that caused the standard alert. Accordingly, Graf fails to teach the features of independent claim 1 missing from Rangarajan.

Neither Rangarajan nor Graf, alone or in combination, teach or suggest all of the limitations of independent claims 1 or 9. Claim 2 depends from claim 1, and is therefore patentable for at least the reasons that claim 1 is patentable. Claim 10 depends from claim 9, and is therefore patentable for at least the reasons that claim 9 is patentable.

2. Claim 18 is not rendered obvious by the combination Rangarajan and Graf because neither Rangarajan nor Graf teach all of the features of claim 18.

As discussed above with reference to claim 17, Rangarajan fails to disclose means for enabling an advanced notification rule to preempt the standard notification rule by

suspending the first notification from being generated upon the occurrence such that the first notification is not generated.

Graf teaches a network monitoring system that generates an alert when predetermined conditions are met. (Graf, col. 19, line 38 to col. 222, line 16). The alert can include a notify property that identifies a notification action to take when the alert is generated. (Graf, Table 13, ALERT: NOTIFY; table 14, setNotify and doNotify). The alert can time out (Graf, col. 20, lines 1-4), it can be cleared (Graf, col. 20, lines 39-49) or it can be ignored (Graf, col. 20, line 50 to col. 21, line 8). However, Graf does not teach that the alert can be preempted. Moreover, the acts of timing out, clearing and ignoring the alert are all performed in response to input received by a system administrator or automatically based on parameters of the alert itself. None of these actions are achieved based on the contents of a different alert (e.g., of an advanced alert). Nor does Graf teach enabling an advanced alert to preempt a standard alert by suspending a notification of the standard alert from being generated upon the occurrence of a condition that caused the standard alert. Accordingly, Graf fails to teach the features of independent claim 17 missing from Rangarajan.

Neither Rangarajan nor Graf, alone or in combination, teach or suggest all of the limitations of independent claim 17. Claim 18 depends from claim 17, and is therefore patentable for at least the reasons that claim 17 is patentable.

3. Claim 26 is not rendered obvious by the combination Rangarajan and Graf because neither Rangarajan nor Graf teach all of the features of claim 26.

As discussed above with reference to claim 25, Rangarajan fails to disclose a processor configured to enable an advanced notification rule to preempt the standard

notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated.

Graf teaches a network monitoring system that generates an alert when predetermined conditions are met. (Graf, col. 19, line 38 to col. 222, line 16). The alert can include a notify property that identifies a notification action to take when the alert is generated. (Graf, Table 13, ALERT: NOTIFY; table 14, setNotify and doNotify). The alert can time out (Graf, col. 20, lines 1-4), it can be cleared (Graf, col. 20, lines 39-49) or it can be ignored (Graf, col. 20, line 50 to col. 21, line 8). However, Graf does not teach that the alert can be preempted. Moreover, the acts of timing out, clearing and ignoring the alert are all performed in response to input received by a system administrator or automatically based on parameters of the alert itself. None of these actions are achieved based on the contents of a different alert (e.g., of an advanced alert). Nor does Graf teach enabling an advanced alert to preempt a standard alert by suspending a notification of the standard alert from being generated upon the occurrence of a condition that caused the standard alert. Accordingly, Graf fails to teach the features of independent claim 25 missing from Rangarajan.

Neither Rangarajan nor Graf, alone or in combination, teach or suggest all of the limitations of independent claim 25. Claim 26 depends from claim 25, and is therefore patentable for at least the reasons that claim 25 is patentable.

Respectfully submitted,

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VIII. CLAIMS APPENDIX

The claims involved in this appeal are presented below.

1. (Previously Presented) A method, comprising:
enabling a standard notification rule to generate a first notification upon an occurrence of a predetermined event to a first person in a hierarchy; and
enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated.
2. (Previously Presented) The method of claim 1 further comprising:
generating a second notification to a second person in the hierarchy based on the advanced notification rule.
3. (Canceled)
4. (Canceled)
5. (Canceled)
6. (Canceled)
7. (Previously Presented) The method of claim 1, wherein the advanced notification rule includes a scope and wherein the scope of the advanced notification rule is configured by at least one of the group consisting of a company, a satellite, a host assigned to a company, a service configured on a host for a company, a check type, a host state, a service state, a contact group, and a message pattern.
8. (Previously Presented) The method of claim 1 where the advanced notification rule is configured to preempt the standard notification rule for a temporary amount of time.

9. (Previously Presented) A machine readable medium having stored thereon instructions, which when executed by a processor, cause the processor to perform the following:

enabling a standard notification rule to generate a first notification upon an occurrence of a predetermined event to a first person in a hierarchy; and

enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated.

10. (Original) The machine readable medium of claim 9 further comprising: generating a second notification to a second person in the hierarchy.

11. (Canceled)

12. (Canceled)

13. (Canceled)

14. (Canceled)

15. (Previously Presented) The machine readable medium of claim 9, wherein the advanced notification rule includes a scope where the scope of the advanced notification rule configured by at least one of the group consisting of a company, a satellite, a host assigned to a company, a service configured on a host for a company, a check type, a host state, a service state, a contact group, and a message pattern.

16. (Previously Presented) The machine readable medium of claim 9, wherein the advanced notification rule is configured to preempt the standard notification rule for a temporary amount of time.

17. (Previously Presented) An apparatus, comprising:

means for enabling a standard notification rule to generate a first notification upon an occurrence of a predetermined event to a first person in a hierarchy; and

means for enabling an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated.

18. (Original) The apparatus of claim 17 further comprising:

means for generating a second notification to a second person in the hierarchy.

19. (Canceled)

20. (Canceled)

21. (Canceled)

22. (Canceled)

23. (Previously Presented) The apparatus of claim 17, wherein the advanced notification rule includes a scope and wherein the scope of the advanced notification rule is configured by at least one of the group consisting of a company, a satellite, a host assigned to a company, a service configured on a host for a company, a check type, a host state, a service state, a contact group, and a message pattern.

24. (Previously Presented) The apparatus of claim 17 where the advanced notification rule is configured to preempt the standard notification rule for a temporary amount of time.

25. (Previously Presented) An digital processing system, comprising:

a processor configured to enable a standard notification rule to generate a first notification upon an occurrence of a predetermined event to a first person in a

hierarchy, and to enable an advanced notification rule to preempt the standard notification rule by suspending the first notification from being generated upon the occurrence such that the first notification is not generated; and
a communications device coupled to the processor to transmit the notifications.

26. (Previously Presented) The digital processing system of claim 25 wherein the communications device is configured to transmit the second notification to a second person in the hierarchy based on the advanced notification rule.

27. (Canceled)

28. (Canceled)

29. (Original) The digital processing system of claim 25 where the communications device transmits the first notification to the first person in the hierarchy and the processor acknowledges the first notification.

30. (Canceled)

31. (Canceled)

32. (Canceled)

33. (Canceled)

34. (Canceled)

35. (Canceled)

36. (Canceled)

37. (Canceled)

38. (Canceled)

39. (Canceled)

40. (Canceled)

41. (Previously Presented) The method of claim 1, wherein the advanced notification rule is enabled to preempt the standard notification rule while continuing monitoring for the predetermined event.

42. (Previously Presented) The machine readable medium of claim 9, wherein the advanced notification rule is enabled to preempt the standard notification rule while continuing monitoring for the predetermined event.

43. (Previously Presented) The apparatus of claim 17, wherein the advanced notification rule is enabled to preempt the standard notification rule while continuing monitoring for the predetermined event.

44. (Previously Presented) The digital processing system of claim 25, wherein the processor is configured to enable the advanced notification rule to preempt the standard notification rule while continuing monitoring for the predetermined event.

IX. EVIDENCE APPENDIX

No other evidence is submitted in connection with this appeal.

X. RELATED PROCEEDINGS APPENDIX

No related proceedings exist.